

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELLEN HEINE,

Appellant,

V.

JP MORGAN CHASE BANK NATIONAL
ASSOCIATION,

Appellee.

Civil Action No. 23-3929 (JXN)

**MEMORANDUM
OPINION & ORDER**

NEALS, District Judge:

Before the Court is *pro se* appellant Ellen Heine’s (“Appellant”) June 21, 2023 notice of appeal from a June 1, 2023 Order by the Honorable Vincent Papalia, U.S.B.J. (ECF No. 1) (the “Notice of Appeal”). For the reasons set forth below, Appellant’s Notice of Appeal (ECF No. 1) is **DISMISSED with prejudice**, and the Clerk of Court is directed to **CLOSE** this matter.

1. On July 25, 2023, the Deputy Clerk of the United States Bankruptcy Clerk entered a certification of failure to file designation of record (ECF No. 2), which stated Appellant is required “to file a designation of items to be included in the record on appeal and a statement of the issues to be presented” within 14 days of the Notice of Appeal pursuant to Federal Rule of Bankruptcy Procedure 8009. (*Id.* at 1¹).

2. On August 24, 2023, the Honorable John Michael Vasquez, U.S.D.J. entered an Order directing Appellant to “file a designation of record, or seek leave for an extension of time to do so, by September 7, 2023” (ECF No. 3 at 2). Judge Vasquez further informed Appellant that her failure to file a designation of record will result in dismissal of this matter “pursuant to

¹ The Court refers to the ECF page numbers.

Federal Rule of Bankruptcy Procedure 8003 for failure to comply with Federal Rule of Bankruptcy Procedure 8009” (*Id.* at 2).

3. On September 5, 2023², Appellant filed a motion to extend the time to file a designation of record (ECF No. 4) (the “Motion for Extension of Time”).

4. On September 20, 2023, this matter was reassigned to the undersigned. (ECF No. 5).

5. On October 3, 2023, the Court granted the Motion for Extension of Time. (ECF No. 6). In so doing, the Court stated that:

Appellant must file the designation of record and statement of the case by 11/3/2023. Failure to comply will result in dismissal of the case with prejudice.

(*Ibid.*).

6. To date, Appellant has neither filed a designation of record nor applied for an extension of time to do so.

Accordingly, for all the foregoing reasons, it is hereby,

ORDERED that Appellant’s Notice of Appeal (ECF No. 1) is **DISMISSED** *with prejudice*; and it is further

ORDERED that the Clerk of Court shall **CLOSE** this matter.

DATED: 1/9/2024

s/ Julien Xavier Neals
JULIEN XAVIER NEALS
United States District Judge

² The motion has an August 31, 2023 date. (ECF No. 4).